Previous references.

File No. 427-08

1907.

Serial Nos. 164

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

Part B. for September 1910.

SUBJECT.

Praying orders on the part of the Hindu residents of Robertspet re the passing of processions with music by the side of the masjid there which is built by the endowment of the place

36/1 Petn from the Hindu inhabitants of Robertspet dt 16.9.09.

Requests that Hindu processions may be ordered to pass with music uninterruptedly by the side of the masjid at Robertspet as usual, and that a board may be placed in a conspicuous place re-

G. R. S. 58

G.R.S.11] 1908-09

GENERAL AND REVENUE SECRETARIAT

(Muzrai)

NOTES.

File No. 67-08

FILE HEADING.

Memorial of the ~~Head~~ Hindu inhabitants of Robertsonpet, re passing of Hindu processions with music by the side of the Masjid newly being constructed a few feet away from Soonnookoppan road.

From

The Hindu inhabitants of Robertsonpet.

Memorial No. Dated 16. 2. 09 Received 17. 2 09

Diary No. 911	Enclos.	Spare Copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Request that Hindu processions may be ordered to pass with music uninterruptedly, ~~in front~~ by the side of the Masjid at Robertsonpet as usual, and that a board may be placed in a conspicuous place, what effect, as has been done in Chennapatna and Nagamangala.

NOTES AND ORDERS.

Under Secretary's orders.

To Dy Comm^r. for early report. References may be put up later on.

Draft is sub^d. References available in this Office and those referred to by the memorialists are also put up.

SRS

Sub^d with Draft as directed. Put up all references

16.4.09 Issue

3.
7/4/09

NOTES—First sheet

GPB—30,000—3-1-07

G. R. S. 12]
General and Revenue Secretariat.

Huz File No. 427 of 1908

Serial No.

2. To, The Dy. Commr, Kolar Dist
O. M. no. 1586 Dy
Forwards Sl 1 for report.

3. From, The Dy Commr, Kolar Dist
Letter no. C. 466 Dy 1.6.1910.
Submits report on the subject
Submitted for orders Put up a copy of the circular of 1871
8/6/10 — 1/7/1910

Cir No. 1528-72 of 22-8-71 issued by the Chief Commr re the building of masjids is not available either in the Secl records or in our office.
But a copy of G.O No. 837-44/13 dated the 6 May 1887 enunciating the principle on which religious buildings have to be constructed, the last sentence of which is "Religious buildings "on high roads & thoroughfares should not "be allowed to be built except under a "distinct agreement that no objection is to "be made to the playing of music on the "roads in front of buildings".

Attention is invited to paras 7 & 9 of the Dy Commrs report wherein it is said that "the Mohamedans were not objecting "to the Hindu processions passing on the "Somakuppam road with all the music, "drums &c till 1908," and again that

Note—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

"Aniyan Md Ebrahim Sahb & Other residents "admitted± that the Hindus were passing "along the Somakuppam road in procession "with Music, drums &c."

The Dy com^r further reports that the open space between the road in question & the Masjid has been converted into a park which is again closed by wire fencing so that no such complications may arise.

It is also proposed as a further safeguard to have a tablet showing the year of the construction of the masjid put up at the entrance.

The interests of the Hindu devotees are thought to be safeguarded by these arrangements which ensure their processions being conducted without further molestation from the Mohamedans.

RL
21/7/10

P.S. after writing the above, a collection of Standing orders & rules filed in the Office was consulted in which there is an order touching the construction of a new masjid at Chennapatna in 1892. Para 7 of that order contains an extract from the order wanted which is as follows

± This gentleman is the person who built the Masjid almost at his own cost.

× [illegible]

NOTE.—Contn. sheet.

BPG—55,000—27 4-09

below –

"no buildings intended to be used as
"place of worship by any class of the
"Community, should be erected on any
"public street or thoroughfare in any
"town or village without the previous
"sanction of the Dist Officer in each case"
× × × "the Old order forbidding the
"use of music by religious processions
"when passing the place of worship of
"another persuation will not be held
"applicable in the case of any building
"of the nature under advertence, that
"may be hereafter erected in a public
"street or thoroughfare without due
"sanction".

RR 21.7.10 The Repeal Chang shows that this Govt can have no right to object to procession along this main road or along this cross road. The Govt can however command that the procession along this cross road which this road joins.

A draft of an order is submitted for approval or other orders.

Submitted to Government
in the Home
Department

28/7/1910

The matter is satisfactorily settled.
The draft may be kept.

29/7/10

RD 2. 7 .214

BPG—55,000—27-4-09

G R. S. 12]
General and Revenue Secretariat.

File No. [illegible] of 190

Serial No.	
7126 / 29.7.	10

Submitted to Dewan
Ahmednagar
4 28 7 1910

1. Draft approved
2. [It may be undesirable to omit any parts of the letter when it is printed as the omission may lead to people to make all sorts of surmises as to what the papers actually were — The harm of this is probably greater than the harm of printing the papers — If the 2nd Counter is agreeable the entire letter may be printed. If not, the portions may be omitted as proposed in the draft]

Submitted to Chief Secretary
Ahmednagar
7/9/1910

I see no reason to omit the whole letter appearing.

6/9/10

Last [illegible] copies enter letter &c

Note—Contn sheet

G R. S. 12]
General and Revenue Secretariat.

File No. 427 of 1909

Serial No.	
4	To - The Dy Comr. Kolar Distt No 797 d 21. 9. 1910 Approves of the Dy Comrs proposal to have a tablet showing the year of the construction of the masjid put up at its entrance and also note with pleasure that the disputes have been amicably settled.

Note—Contn sheet

To.

The Secretary to the Government of H.H.the Maharaja
of Mysore in the Muzrai Department.

Most respected Sir,

We, the undersigned Hindu inhabitants of Robertsonpet, beg respectfully to approach you with this petition earnestly praying that you will give your favourable consideration to this matter.

During the regime of Mr. F. C. Carr the then Deputy Commisidner, Mr. Aryoor Ebraham Sait and other mehommedans of Robertsonpet requested the Deputy Commissioner to allot a site for a mosque. He was pleased to give them a site at first measuring 100 'by 100' opposite Mr. Aryoor Ebrahim Saib's shop to the north of the market road and ordered them to commence the building soon. Mr. Ebrahim Saib then collected rough stones and had laid the foundations about 30 feet away from Somakoppam road While such being the case we all objected to it being quite near to the road and represented our grievances before Mr. Carr about our (Hindu) processions attended with music etc. He then inspect-ed the place and came to conclusion that the mosque should be shifted farther down and ordered Aryoor Ebrahim saib to remove the foundation and go farther down. They then requested that the place is insufficient for the construction of a mosque and its compound and they would gladly remove the foundation if the Deputy Commissioner pleases to give them 150' by 150' and also told him (D.C.) that they will have no objection for any procession going on that road. They were then granted 150' by 150' feet for the construction and were ordered to build it 100 feet away from Somakoppam road, so that there will be no [illegible]

between Hindus and Mahemmadans and to maintain peace amongst them.

Ever since the construction of the Masjid at its present remoted spot, musical processions of all descriptions used to pass through the main street unmolested every year as usual until the celebration of the 10 days procession held on account of "Sri Rama Navami " feast.

The concluding ceremony of the above feast was celebrated on the 25th April 1908 with musical procession. After wending its way through all the streets of the Hindu Block, the procession had to pass thro' market road where the Hindu families of that locality had been waiting as usual to offer their Mangalarathi etc., and on approaching Aryoor Ebrahim Saib's shop we noticed a large crowd of people of the Mahemmedan community had assembled and obstructed the procession by threatening the barber musicians to tear and break their tom-toma and instruments and endeavoured to thrash them, if they ventured to play further and as the Mahammedans were at the height of their mischiefs, to cause disturbance at that late hour the procession had to be quietely abandoned.

We further beg to submit that on the 30th of April last we submitted a memorial to the Assistant Commissioner and First class magistrate who referred the same to the District Superintendent of Police for investigation. The latter Officer was kind enough to hold a personal enquiry when Mr. Aryoor Ebrahim Saib totally denied of having any knowledge of such disturbance and if any thing of that kind had taken place, he said, it must have been done by some mischievous persons and that he and other Mahammedans had no objection whatever to any procession with music etc, passing that way. The District Superintendent of Police having heard all that was said by Ebrahim saib, he was kind enough to direct us to pass the musical processions as usual. The Mahammedans are again up to their mischief and are trying to threaten that they would recourse to the similar procedure if any procession were to pass ~~in front~~ by the side of the Masjid with music etc.

As there are many occasions for the Hindus to observe such celebrations we most earnestly beg that early orders may be passed in consultaion with the Police Superintendent who has personally investigated the whole matter . A board may be ordered to be palced

n a conspicuous place stipulating therein that the maha medans would never rise any objection to the Hindu processions being paraded at any time ~~in front~~ by the side of the masjid just as is done in all cases where Mahammedan masjids have been newly constructed. For instance , the mahammedans of Chennapatna and Nagamangala have constructed masjids and have also executed mutchalikas to the effect that they would never rise any objection to such processions being passed thro' the masjids. Unless some such thing is done here we, the hindus will be put to much inconvenience.

As some of us have personally seen the above mentioned places we beg to approach you with the above information fully hoping that early orders will be passed in the matter.

16/2/09

We beg to remain,

Most respected Sir,

Your most obedient and humble servants

Lakshminarasappa.
Hr. Clerk.
Mr. T. Ramiah

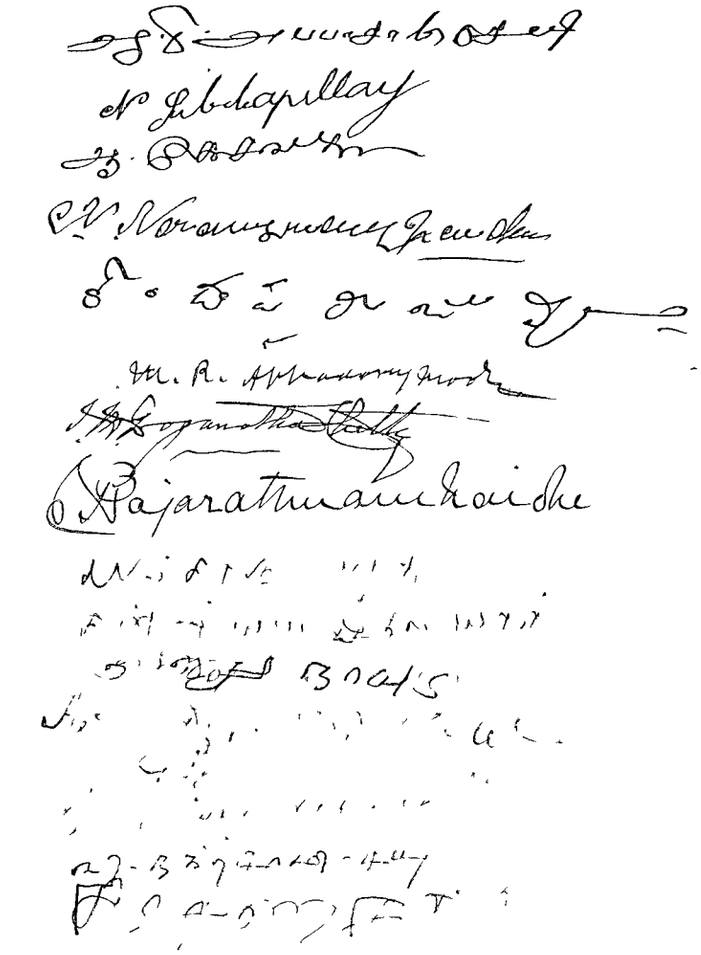
P. Ramiah

G. Ramayulu Naidu

K. Ramu

Murasami Moodaliar
25/2/08

A. Muniswamy Naidu.



Muz.3]

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

No. 1586 — 2

The accompanying Petition No. 411
Muz 427-08-1
dated 16th Feby 1909 received at this
Office from the Hindu inhabitants of
Robertsonpet praying that orders may be
issued permitting Hindu processions to pass
by the side of the masjid newly being constructed
a few feet away from Soonnokhpam Road
and also that a board (to that effect) may be placed in a
conspicuous place,

is forwarded, ~~together with its~~
~~enclosures~~, to the Deputy Commr., Kolar.

Dt for early report.

By Order.

Secretary,
~~Muzrai Department.~~
17/4/09
for 7.4.09

BANGALORE,
15.4.1909

No 1587

Endt to Petrs

GP—1500—20-10-07

No 1587 dated 15 Feb 09

dated 427-08-2

Endorsement granted to K. Ramiah and other Hindu inhabitants of Robertsonpet, with reference to their memorial, dated 16th Feby 1909, praying that Hindu processions may be allowed to pass the new masjid on the west side of the place without molestation.

In reply, the memorialists are informed that their memorial has been forwarded to the Deputy Commissioner, Kolar Dt., for report. [illegible]

By Order,

S.

J. G. Aug

for Secretary.

15.2.09

D 2766

From Mur 427—08-7-8

The Deputy Commissioner
Kolar District

To
The Secretary to Government
Genl & Rev Depts
Muzrai Branch

Dr VII
27/6/10

Dated 1st June 1910
Despatched 25th June 1910

No C.466

Encs: Nos

Submitting report on the petition of the Hindu residents of Ribenapet re the passing of processions by the side of the mosjid at the said place -

No. C.466
Enc: Nil

Deputy Commissioner's Office,
Kolar District,
Dated Kolar 1st June 1910.

25

From

C.Srikantesvara Aiyar, Esqr., B.A.B.L.,
Deputy Commissioner, Kolar District.

To

C.S. Balasundaram Iyer, Esqr., B.A.,
Offg: Secretary to the Govt: of H.H. the
Maharaja of Mysore, Genl.&.Rev. Departments,
Muzrai Branch.

Sir,

Adverting to your Office Memorandum No.1560/Muz. 427-08-2 dated the 15th April 1909, forwarding for report petition from the Hindu inhabitants of Robertsonpet praying that orders may be issued permitting Hindu processions to pass by the side of the Musjid newly constructed some distance away from Sornakuppam road &c, I have the honour to report as follows:-

2. After the formation of the New Town of Robertsonpet Mr, F. E. C. Carr, the then Deputy Commissioner, at the request of one Ariyur Mohamed Ebrahim Sab, a merchant, granted in the year 1902 a site measuring 150' X 150' to the E[illegible] Robertsonpet Market for the purpose of [illegible] When its construction was commenced and foundations [illegible] they were found to be close by the Market road [illegible] Southwards, whereupon all the other classes of [illegible] in Robertsonpet represented to Mr. Carr [illegible] permitting a new mosque in such close [illegible] most important main roads [illegible] be very inconvenient to all and [illegible] Standing Orders on the subject. Mr. C[illegible]

x Vide Deputy Commissioner's memo dated the 22nd Sept.1903

site in the presence of all parties concerned, directed the shifting of the mosque to 110 feet North-East from the Main Market or "Sornakoppam road" on the place where which the said Ariyur Mohamed Ebrahim Sahib had built. On submission of the plan for approval on October 1904, Mr. K. P. Puttanna Chetty, the then Deputy Commissioner and President of the Kolar Gold Fields Sanitary Board, granted the same with clear and specific orders that "the building should be in the direction already ordered by the Deputy Commissioner". Vide Deputy Commissioner's memo dated 20th October 1904. The mosque was then built almost on the old site, besides Ariyur Mohamed Ebrahim Sab, who owns small house property in the area being a new institution built in the Town, which is quite away from the Main or Sornakoppam road and facing in the opposite direction, the Hindus were, till recently, taking the procession &c on the road with play of music &c, at all hours without any hindrance from the Mohamadans of the locality.

3. On the 25th April 1908, a few of the ignorant, ignorant and non-residential Mohamadans assembled near the Musjid and for the first time since the Musjid was built tried to stop the music &c of the Hindu procession of Sri Ramadevaru during Sri Rama Navami festival on the road, when the Hindus not wishing to create a disturbance went back and lodged a complaint to the Police. The Police enquired into and eventually the principal persons concerned, whom Ariyur Ebrahim Sab was not one, were tried before the Assistant Commissioner and Joint Magistrate, K. Gold Fields (Mr. P.F. Bowring) for offences of being members of an unlawful assembly and of causing grievous hurt, the assembly engaged in rioting, &c., under Sections and 296, Indian Penal Code. The Magistrate, as quoted in the margin, discharged the accused

x Cri. Case No. 731 of 07-08 Government of Mysore VS. Mohamed Yakoob and 3 others.

x "The Musjid at Robertsonpet was only built some few years ago and I find that in the [illegible] nothing on record laying down what proce[illegible]

is to be adopted in the case of processions wishing to pass about the street, adjacent to which the Musjid is situated. The site first selected was quite close to the road, but as this seems to have been objected to, the Musjid was built 110 feet away from the road.

It is in evidence that processions are often conducted about this road.

On this particular occasion no disturbance whatever appears to have taken place. The Hindus were merely asked to stop their music while passing. The music was stopped and they could have proceeded without hindrance if they had wished to do so."

which, however, needs no reference here.

4. On the 2nd June 1908, again, some of the Jutka drivers and other illiterate and irresponsible young Mohamedans tried to stop the music of the Gangamma's procession passing by; and when the Hindus insisted on going on the road with music etc, actually used criminal force by beating the drummers and musicians. The Police quickly turned up on the scene and averted what perhaps might have led to serious and grave consequences, and placed the five ringleaders before the Munsiff and 2nd class Magistrate of Kolar Gold Fields for offences of rioting and causing disturbance to an assembly engaged in religious worship etc, under Sections 147 and 296, Indian Penal Code. The Magistrate found 4 of them guilty and sentenced them to various terms of imprisonment and fine and discharged the 5th on merits. The convicts appealed to the District Magistrate, who confirmed the conviction of the lower court against two of them and acquitted the other two, and there the matter ended.

X
Crl.Case No. 4 of 08-09 Government of Mysore VS. Mohamed and 4 others.

X
Crl.appeal No.5 of 08-09 Gulam Ahmed and 3 others VS. Govt: of Mysore.

5. The Hindu residents there, on the 28th September 1908 petitioned the Assistant Commissioner and 1st class Magistrate, Kolar Gold Fields, to grant them a license to take their God in procession during the ensuing Dasara festival and to make the needful arrangements for the Mohamedans not to create any disturbance on the occasion of their passing by the Sornakuppam road, whereon, the said Magistrate, being aware of the Standing Orders on the subject, endorsed that "there was no objection to the procession, provided that no music or tom tom while passing the Musjid." The [illegible]

"the procession may take place provided the Hindus agree not to play music or tom tom from 50 yards before reaching the Musjid and 50 yards past it". The Hindus taking exception to such reservation held no procession and petitioned to me for redress. It having also been observed by the said Magistrate about that time, that a small opening had recently been effected in the compound wall of the Musjid, on the side of the Sornakuppam road, with the ostensible reason of having it to serve as a short-cut for carrying water &c., he had, during his inspections, taken objection to the same and had it promptly closed on the spot.

9. On 24th March last, I called a meeting of the representative Mohamadan and Hindu residents of Robertsonpet and of the surrounding Mines and Villages, and made enquiries into the grievances, if any, of the respective communities reading out and explaining to them simultaneously the Standing Orders on the subject including the several Government Proceedings connected with the Channapatna, Nagamangla and Solur Musjids. Ariyur Mohamad Ebrahim Sab and other residents admitted, that the Hindus were passing along the Sornakuppam road in procession with music, drums etc, that they were not present on the two occasions when the past disturbances occurred which were all the result of the new comers from various parts of India which equally vexed them in that their names were being often dragged before the public, which they would very much wish to avoid, and added that they would be glad to abide by any orders that the Government may be pleased to pass in the matter. The Hindus while admitting the privilege of passing on the Market or Sornalingam road with music, drums etc, replied to my query that it was not the occasion, whatever, to go by the Sornakuppam road which passes in front of the mosque and that they would on no account

their processions that way.

10. Under these circumstances and the musjid being of such recent origin there can arise no question, whatever, against the ordinary use of the public road by all communities and as a further precaution the open space between the Market or Sornakuppam road and the Musjid has been closed by wire fencing at the cost of the Sanitary Board and the space reserved as a lung for the locality, arrangements being made to plant it up with quick growing trees etc., to render it tidy and serve the purpose of a park as it were for the use of the public. This open space had once been asked by the said Ariyur Ebrahim Sab who offered to maintain it as a recreation ground; but I pointed out to him how it was likely to give rise to complications if it ever came to be tacked on to the Musjid compound, and ordered it's not being given over to any individuals or community but to be reserved as aforesaid, separating the Musjid from the Market Road, and thereby putting an end to all eventualities.

11. In conclusion, from what has transpired in the past and what may happen in the future in this new rising Town, with its large floating population, I further propose to have a tablet showing the year of the construction of the Musjid put up at its entrance.

12. The enclosure to the Memorandum under reply, together with a plan showing the site of the Musjid and its surroundings are herewith submitted.

I have the honour to be,

Sir,

Your most obedient servant,

A. L. Kamb Varaiya

Deputy Collector,
Kolar District.

G.R.S. 28.]

8 a 3 3 copies

File No. 1 [illegible]-08

Serial No. 4

Diary No. of letter replied to 2360

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 19

Date of issue 21-9-1910.

Signed by M. A Srinivasamurthy

READ—

Petition Regd. No. 911 dated 16th February 1909, from the Hindus of Robertsonpet, complaining that the Mahomedans of the place, who were allowing Hindu processions to pass with music along the main road by the Masjid newly built by them, had latterly obstructed such processions.

2. The following letter from No. C 466 dated 18th June 1910, from the Deputy Commissioner, Kolar,

over

ORDER THEREON.—No.

SUBJECT.

GPB—5,000—7-5 09

reporting on the above: —

(1) the extent of ~~the~~ existing Para 7 and ~~last sentence of Para 3~~) ✓

order thereon vide No. 777 dated 21-9-1910

The Govt. are glad to note that ~~the Communities~~ the dispute has have shown a respect to the feelings of each other and ~~come to an understanding~~. been amicably settled —

2. The Dy. Commissioner's proposal to have a tablet, showing the year of the construction of the Masjid, put up at its entrance is approved.

3. A notice embodying the understanding came to should also be put up at the junction of the main road and the Cross road passing in front of the Masjid.

Put

31 Aug 10

27/7

DO(h) 23/7/1910

for Addl. Secretary.

To

The Dy. Comm., Kolar Dt.

1910-11

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

MUZRAI

PROCEEDINGS

Dated 21st September 1910

No. 797
Muz. 427-08-4

Passing orders on the petition of the Hindu residents of Robertsonpet, *re* the passing of processions with music by the side of the masjid newly built by the Mahomedans of the place.

GTB—19 10 10—200

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ—

(1) Petition Registered No 911, dated 16th February 1909, from the Hindus of Robertsonpet, complaining that the Mahomedans of the place, who were allowing Hindu processions to pass with music along the main road by the masjid newly built by them, had latterly obstructed such processions

(2) Letter No C 466, dated 1st June 1910, from the Deputy Commissioner of the Kolar District —

" Adverting to your Office Memorandum No 1586—Muz 427-08 2, dated the 15th April 1909, forwarding for report petition from the Hindu inhabitants of Robertsonpet, praying that orders may be issued permitting Hindu processions to pass by the side of the masjid newly constructed some distance away from Soranakuppam road, etc , I have the honor to report as follows —

2 After the formation of the new town of Robertsonpet, Mr F E C Carr, the then Deputy Commissioner, at the request of one Ariyur Mahomed Ebrahim Sab, a merchant, granted in the year 1902 a site measuring 150′×150′ to the east of the Robertsonpet Market for the purpose of building a mosque When its construction was commenced and foundations laid, they were found to be close by the Market road and facing southwards, whereupon all the classes of people residing in Robertsonpet represented to Mr Carr the undesirability of permitting a new mosque in such a close proximity to one of the most important main roads frequented by them all, as it would be very inconvenient to all and in contradiction to the standing orders on the subject Mr Carr having inspected the site in the presence of all parties concerned, directed* the shifting of the mosque to 110 feet northwards away from the main street or Soranakuppam road and to face it eastward, to which the said Ariyur Mahomed Ebrahim Sab consented On the submission of the plan for approval in October 1904, Mr K P Puttanna Chetty, the then Deputy Commissioner and President of the Kolar Gold Fields Sanitary Board, approved of the same with clear and specific order† that " the building should face the direction already ordered by the Deputy Commissioner " The mosque was then built almost at the cost of the said Ariyur Mohamed Ebrahim Sab, with some small subscription besides, and being a new institution built in the town and also quite away from the main or Soranakuppam road and facing in another direction, the Hindus were, till recently, taking the procession, etc , on the road with play of music, etc , at all hours, without any hindrance from the Mahomedans of the place

* *Vide* Deputy Commissioner's memo dated the 22nd September 1903

† *Vide* Deputy Commissioner's memo dated 20th October 1904

2 On the 25th April 1908, a few of the less enlightened, ignorant and non-residential Mahomedans assembled near the masjid and for the first time since the masjid was built tried to stop the music, etc , of the Hindu procession of Sri Ramadevaru during Sri Rama Navami, passing on the road, when the Hindus not wishing to create a disturbance turned back and lodged a complaint to the Police The matter was enquired into and eventually the principal men concerned, of whom Ariyur Ebrahim Sab was not one, were tried† before the Assistant Commissioner and 1st Class Magistrate of Kolar Gold Fields (Mr P F Bowring) for offences of being members of an unlawful assembly and of causing disturbance to an assembly engaged in religious worship, etc , under Sections 143 and 296, Indian Penal Code The Magistrate finding the facts as quoted below discharged the accused thunde, on a misconception of law, which, however, needs no reference here —

† Criminal Case No 731 of 1907 08 Government of Mysore *vs* Mahomed Yakub and three others

> The masjid at Robertsonpet was only built some few years ago and I find that there is nothing on record laying down what procedure is to be adopted in the case of processions wishing to pass about the street adjacent to which the masjid is situated The site first selected was quite close to the road but as this seems to have been objected to, the masjid was built 110 feet away from the road
>
> 'It is in evidence that processions are often conducted about this road
>
> On this particular occasion no disturbance whatever appears to have taken place The Hindus were merely asked to stop their music while passing The music was stopped and they could have proceeded without hindrance if they had wished to do so

4 On the 2nd June 1908, again some of the jatka drivers and other illiterate and irresponsible young Mahomedans tried to stop the music of the Ganguramma's procession passing by and when the Hindus insisted on going on the road with music, etc actually used criminal force by beating the drummers and musicians The P[illegible] quickly turned up on the scene and averted what perhaps might have led to serious [illegible] and

placed the five ringleaders before the Munsiff and 2nd Class Magistrate of Kolar Gold Fields for offences of rioting and causing disturbance to an assembly engaged in religious worship, etc, under Sections 147 and 296, Indian Penal Code The Magistrate found* four of them guilty and sentenced them to various terms of imprisonment and fine and discharged the 5th on merits The convicts appealed to the District Magistrate, who confirmed† the conviction of the lower Court against two of them and acquitted the other two, and there the matter ended

*Criminal Case No 4 of 1908 0) Government of Mysore *Vs* Gulam Mahomed and four others

†Criminal Appeal No 5 of 1908 0) Gulam Ahmed and three others *Vs* Government of Mysore

5 The Hindu residents there, on the 28th September 1908, petitioned the Assistant Commissioner and 1st Class Magistrate, Kolar Gold Fields, to grant them a license to take their god in procession during the ensuing Dasara festival and to make the needful arrangements for the Mahomedans not to create any disturbance on the occasion of their passing by the Soranakuppam road, whereon the said Magistrate, being unaware of the standing orders on the subject, endorsed that 'there is no objection to the procession, provided they do not play any music or tom tom while passing the masjid The petitioners being dissatisfied with it, have approached the Government without bringing it to my notice

6 On receipt of the memorandum under advertence I sent for all the records in the case, went over the site and explained to all concerned the law on the subject, and the several standing orders regarding the construction of new masjids, all being repetitions of the substance of the late Chief Commissioner's Circular No 2526—72 of the 22nd August 1871 and pointed out to the Hindus and Mahomedans assembled the absurdities of the contentions, to which they all seemed acquiesced

7 The initial mistake in the present case as elsewhere arose while granting permission to erect the mosque in such localities at all under such environments and without specific mention on record of the standing order which, however, was not of much significance in this instance, inasmuch as it was so patent to the granting officers concerned and was impliedly and by action rectified by both Messrs Carr and Puttanna Chetty in shifting the masjid 110 feet away from the main or Soranakuppam road and insisting upon the frontage being eastward as stated in para 2 *supra* Not only were these stipulations readily adhered to, but the Mahomedans were also not objecting to the Hindu processions passing on the Soranakuppam road with all the music, drums, etc, till 1908 as admitted by Aliyar Mahomed Ebrahim Sab and other respectable Mahomedans living in the place, but the first trouble seems to have arisen during the absence of the said Aliyar Mahomed Ebrahim Sab and the local respectable and influential Mahomedan leaders from the place

8 On the 9th March last, again, the Hindus applied for a license to take their god in procession in connection with the 'Mahasivaratri' when the 1st Class Magistrate ordered that 'the procession may take place provided the Hindus agree not to play music or tom-tom fifty yards before reaching the masjid and fifty yards past it' The Hindus taking exception to such reservations held no procession and appealed to me for redress It having also been observed by the said Magistrate about that time, that a small opening had recently been effected in the compound wall of the masjid on the side of the Soranakuppam road, with the ostensible reason of having it to serve as a short cut for carrying water etc he had, during his inspections, taken objection to the same and had it promptly closed on the spot

9 On 24th March last, I called a meeting of all the representative Mahomedan and Hindu residents of Robertsonpet and of the surrounding mines and villages and made enquiries into the grievances, if any, of the respective communities, reading out and explaining to them simultaneously the standing orders on the subject including the several Government Proceedings connected with the Channapatna, Nagamangala and Solur masjids Aliyar Mahomed Ebrahim Sab and other residents admitted that the Hindus were passing along the Soranakuppam road in procession with music, drums etc, that they were not present on the two occasions when the past disturbances occurred, which were all the result of the newcomers from various parts of India which equally vexed them, inasmuch as their names were being often dragged before the public, which they would very much wish to avoid, and added that they would be glad to abide by any orders that the Government might be pleased to pass in the matter The Hindus, while claiming the privilege of passing on the market or Soranakuppam road with music, drums, etc, replied to my query that they had no occasion whatever to go by the cross road which passes in front of the mosque and that they would on no account wend their processions that way

10 Under these circumstances and the masjid being of such recent origin there can arise no question whatever against the ordinary use of the public road by all communities and as a further precaution, the open space between the market or Soranakuppam road and the masjid has been closed by wire fencing at the cost of the Sanitary Board and the space

Muzrai, dated 21st September 1910.

reserved as a lung for the locality, arrangements being made to plant it up with quick-growing trees, to render it tidy and serve the purpose of a park, as it were, for the use of the public. This open space had once been asked by the said Aniyur Ebrahim Sab who offered to maintain it as a recreation ground, but I pointed out to him how it was likely to give rise to complications if it ever came to be tacked on to the masjid compound, and ordered its not being given over to any individuals or community but to be reserved as aforesaid, separating the masjid from the market road and thereby putting an end to all eventualities

11. In conclusion, from what has transpired in the past and what may happen in the future in this new rising town with its large floating population, I further propose to have a tablet showing the year of the construction of the masjid put up at its entrance "

12. The enclosures to the memorandum under reply, together with a plan showing the site of the masjid and its surroundings are herewith submitted "

No. 797—Muz. 427-08-4, dated Bangalore, 21st September 1910

Order thereon.—The Government are glad to note that the dispute has been amicably settled.

2. The Deputy Commissioner's proposal to have a tablet, showing the year of the construction of the masjid, put up at its entrance, is approved.

Draft

Offg. Secy to Govt., Gen & Rev Depts

To—The Deputy Commissioner, Kolar District

Exd —c v.

READ—

(1) Petition Registered No 911, dated 16th February 1909, from the Hindus of Robertsonpet, complaining that the Mahomedans of the place, who were allowing Hindu processions to pass with music along the main road by the masjid newly built by them, had latterly obstructed such processions

(2) Letter No C 466, dated 1st June 1910, from the Deputy Commissioner of the Kolar District —

" Adverting to your Office Memorandum No 1586—Muz 427 08-2, dated the 15th April 1909, forwarding for report petition from the Hindu inhabitants of Robertsonpet, praying that orders may be issued permitting Hindu processions to pass by the side of the masjid newly constructed some distance away from Soanakuppam road, etc , I have the honor to report as follows —

2 After the formation of the new town of Robertsonpet, Mr F E C Carr, the then Deputy Commissioner, at the request of one Aniyur Mahomed Ebrahim Sab, a merchant, granted in the year 1902 a site measuring 150′×150′ to the east of the Robertsonpet Market for the purpose of building a mosque When its construction was commenced and foundations laid, they were found to be close by the Market road and facing southwards, whereupon all the classes of people residing in Robertsonpet represented to Mr Carr the undesirability of permitting a new mosque in such a close proximity to one of the most important main roads frequented by them all, as it would be very inconvenient to all and in contradiction to the standing orders on the subject Mr Carr having inspected the site in the presence of all parties concerned, directed* the shifting of the mosque to 110 feet northwards away from the main street or Soanakuppam road and to face it eastward, to which the said Aniyur Mahomed Ebrahim Sab consented On the submission of the plan for approval in October 1904, Mr K P Puttanna Chetty, the then Deputy Commissioner and President of the Kolar Gold Fields Sanitary Board, approved of the same with clear and specific order† that " the building should face the direction already ordered by the Deputy Commissioner " The mosque was then built almost at the cost of the said Aniyur Mohamed Ebrahim Sab, with some small subscription besides, and being a new institution built in the town and also quite away from the main or Soanakuppam road and facing in another direction, the Hindus were, till recently, taking the procession, etc , on the road with play of music, etc , at all hours without any hindrance from the Mahomedans of the place

* *Vide* Deputy Commissioner's memo dated the 22nd September 1903

† *Vide* Deputy Commissioner's memo dated 20th October 1904

2 On the 25th April 1908, a few of the less enlightened, ignorant and non residential Mahomedans assembled near the masjid and for the first time since the masjid was built tried to stop the music, etc , of the Hindu procession of Sri Ramadevaru during Sri Rama Navami, passing on the road, when the Hindus not wishing to create a disturbance turned back and lodged a complaint to the Police The matter was enquired into and eventually the principal men concerned, of whom Aniyur Ebrahim Sab was not one, were tried† before the Assistant Commissioner and 1st Class Magistrate of Kolar Gold Fields (Mr P F Bowring) for offences of being members of an unlawful assembly and of causing disturbance to an assembly engaged in religious worship, etc , under Sections 143 and 296, Indian Penal Code The Magistrate finding the facts as quoted below discharged the accused thereby, on a misconception of law, which, however, needs no reference here —

† Criminal Case No 731 of 1907 08 Government of Mysore *vs* Mahomed Yakub and three others

> The masjid at Robertsonpet was only built some few years ago and I find that there is nothing on record laying down what procedure is to be adopted in the case of processions wishing to pass about the street adjacent to which the masjid is situated The site first selected was quite close to the road, but as this seems to have been objected to the masjid was built 110 feet away from the road
>
> 'It is in evidence that processions are often conducted about this road
>
> 'On this particular occasion no disturbance whatever appears to have taken place The Hindus were merely asked to stop their music while passing The music was stopped and they could have proceeded without hindrance if they had wished to do so

4 On the 2nd June 1908 again some of the jatka drivers and other illiterate and irresponsible young Mahomedans tried to stop the music of the Ganganmma's procession passing by and when the Hindus insisted on going on the road with music etc actually used criminal force by beating the drum boys and musicians The Police promptly turned up on the scene and averted what perhaps might have led to serious [illegible]

placed the five ringleaders before the Munsiff and 2nd Class Magistrate of Kolar Gold Fields for offences of rioting and causing disturbance to an assembly engaged in religious worship, etc, under Sections 147 and 296, Indian Penal Code. The Magistrate found* four of them guilty and sentenced them to various terms of imprisonment and fine and discharged the 5th on merits The convicts appealed to the District Magistrate, who confirmed† the conviction of the lower Court against two of them and acquitted the other two, and there the matter ended.

*Criminal Case No 4 of 1908 09 Government of Mysore *Vs* Gulam Mahomed and four others

†Criminal Appeal No 5 of 1908 09 Gulam Ahmed and three others *Vs* Government of Mysore

5 The Hindu residents there, on the 28th September 1908, petitioned the Assistant Commissioner and 1st Class Magistrate, Kolar Gold Fields, to grant them a license to take their god in procession during the ensuing Dasara festival and to make the needful arrangements for the Mahomedans not to create any disturbance on the occasion of their passing by the Soranakuppam road, whereon the said Magistrate, being unaware of the standing orders on the subject, endorsed that 'there is no objection to the procession, provided they do not play any music or tom-tom while passing the masjid' The petitioners being dissatisfied with it, have approached the Government without bringing it to my notice

6 On receipt of the memorandum under advertence, I sent for all the records in the case, went over the site and explained to all concerned the law on the subject, and the several standing orders regarding the construction of new masjids, all being repetitions of the substance of the late Chief Commissioner's Circular No 2528—72 of the 22nd August 1871, and pointed out to the Hindus and Mahomedans assembled the absurdities of the contentions, to which they all seemed acquiesced

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Offg. Secy. to Govt., Gen & Rev. Depts

To—The Deputy Commissioner, Kolar District

Exd —C V.